

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAMARCUS V. ARMSTRONG,
Petitioner,
v.
JOE A. LIZARRAGA, Warden,
Respondent.

Case No. [18-cv-04128-KAW](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated at Mule Creek State Prison, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in the Solano County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the proper district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).


Petitioner was convicted in the Solano County Superior Court, which lies within the venue of the Eastern District of California. 28 U.S.C. § 84(b). Accordingly, pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court shall terminate any pending motions on this Court's docket and TRANSFER this action to the United

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States District Court for the Eastern District of California.

IT IS SO ORDERED.

Dated: July 18, 2018



KANDIS A. WESTMORE
United States Magistrate Judge